

DETAILED ACTION

1. In the Amendment filed on January 25, 2010, Applicants amended claims 1, 8, 10-11, 15, and 19-20. Claims 1-20 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In regard to claims 19 and 20, the claims define a computer-readable storage medium embodying functional descriptive material (i.e., instructions). Moreover, the scope of the presently claimed invention encompasses products not falling within one of the four statutory categories of invention. For example, the computer-readable storage medium of claims 19 and 20 could be a signal incorporating a data structure within a carrier wave.

The Examiner suggests amending the claims to recite “a non-transitory computer-readable storage medium . . .”

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. Patent Application Publication No. 0 878 956 A1 to Yokomizo et al. (hereinafter, Yokomizo) in view of U.S. Patent Application Publication No. 2001/0026629 A1 to Oki, and further in view of U.S. Patent No. 6,209,097 B1 to Nakayama et al. (hereinafter, Nakayama). Yokomizo was cited by Applicants in the IDS filed on June 19, 2006.

In regard to claim 1, Yokomizo discloses a method of editing and printing a photo album (**Yokomizo, pg. 2, lines 7-9**), the method comprising:

storing low quality and high quality digital representations of photographs in a server system (**Yokomizo, pg. 4, line 58 – pg. 5, line 5, the sever system is everything above items 7 and 10 in Fig. 1**), wherein the server system is divided to provide open access to a portion of its contents and to provide user-specific access to another portion of its contents (**Yokomizo, pg. 7, lines 55-57, opening access codes are for other persons and non-opening access codes are for exclusive use by the user**);

sending the low quality digital representations to a client computer remote from the server system in association with respective identifiers of the photographs **(Yokomizo, pg. 5, lines 8-11, respective identifiers are inherent and can include, for example, the name of the file attached to the image, see also pg. 6, lines 25-30 for identifier disclosure);**

editing an electronic representation of pages of the photo album at the client computer, using an interactive display with the low quality digital representations of interactively selected photographs **(Yokomizo, pg. 5, lines 10-11, and pg. 9, line 55 – pg. 10, line 4, the interactive display is shown, for example, in Fig. 7, item 70 or 71, see also, pg. 10, lines 1-4, and pg. 14, lines 45-46);**

sending an editing result of said editing from the client computer to the server system, including identifiers of the selected photographs **(Yokomizo, pg. 5, lines 12-17, editing results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system, see also pg. 6, lines 25-30 for identifier disclosure);**

retrieving, in the server system, the stored high quality digital representation of the selected photographs identified by the identifiers in the editing result **(Yokomizo, pg. 5, lines 15-17, since the high resolution images are edited at the server system, they have to be retrieved from storage in the server system);**

printing the pages of the photo album in the server system using the retrieved high quality digital representations in response to a printing command **(Yokomizo, pg. 5, lines 16-17).**

Yokomizo does not specifically disclose updating an account record in a memory of the server according to copyright royalty information associated with the identifiers in response to the printing command.

Oki, however, discloses updating an account record in a memory according to information associated with the identifiers in response to the printing command (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claim 8, Yokomizo discloses a photo album printing system (**Yokomizo, pg. 2, lines 7-9, and Fig. 1**), comprising:
a communication network (**Yokomizo, pg. 4, lines 47-48, World Wide Web**);

a client computer (**Yokomizo, Fig. 1, item 7 and/or 10**) coupled to the communication network and arranged to enable a user to interactively edit an electronic representation of pages of a photo album (**Yokomizo, pg. 5, lines 8-11, see also pg. 15, line 5, where album is the photo album**), the pages containing interactively selected photographs, each associated with a respective identifier (**Yokomizo, pg. 15, line 5, and lines 9-10, identifiers are inherent, see also pg. 6, lines 25-30 for identifier disclosure**); and

a server system coupled to the network (**Yokomizo, Fig. 1, the sever system is everything above items 7 and 10 in Fig. 1**), the server system comprising a photo printer (**Yokomizo Fig. 1, item P**) and electronic storage space (**Yokomizo, Fig. 1, item 3**) wherein digital representations of low quality and high quality versions of photographs are stored (**Yokomizo, pg. 4, line 58 – pg. 5, line 5**),

the server system being arranged to transmit the low quality versions to the client computer in association with the respective identifiers, for display during editing (**Yokomizo, pg. 5, lines 8-11, respective identifiers are inherent and can include, for example, the name of the file attached to the image, see also pg. 6, lines 25-30 for identifier disclosure**),

wherein the server system is divided to provide open access to a portion of its contents and to provide user-specific access to another portion of its contents (**Yokomizo, pg. 7, lines 55-57, opening access codes are for other persons and non-opening access codes are for exclusive use by the user**),

the client computer being arranged to transmit a electronic edit result representing the pages of the photo album to the server system, including the identifiers of the selected photographs in the resulting electronic representation (**Yokomizo, pg. 5, lines 12-17, editing results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system**),

the server system being arranged to retrieve the high quality versions of the photographs from the storage space using the identifiers included with the edit result and to print the pages with the photo printer under control of the retrieved high quality versions of the photographs (**Yokomizo, pg. 5, lines 15-17, since the high resolution images are edited at the server system, they have to be retrieved from storage in the server system**).

Yokomizo does not specifically disclose updating an account record in a memory of the server according to copyright royalty information associated with the identifiers in response to the printing command.

Oki, however, discloses updating an account record in a memory according to information associated with the identifiers in response to the printing command (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory
(Nakayama, col. 22, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claim 10, Yokomizo discloses a photo album printing system **(Yokomizo, pg. 2, lines 7-9)**, wherein a client computer is arranged to provide for user selection of a transformation to be applied to a photograph **(Yokomizo, pg. 5, lines 10-11, user selection of a transformation is shown, for example, in Fig. 7, item 70 or 71, see also, pg. 10, lines 1-4)**, to display a transformation result of a low quality version **(Yokomizo, pg. 5, lines 10-11, and pg. 9, line 55 – pg. 10, line 4, the transformation result would be shown in Fig. 7, item 70 and/or item 71, see also pg. 14, lines 45-46, display 30-5)** and to transmit information indicative of the selected transformation to a server system **(Yokomizo, pg. 5, lines 12-17)**, the server system being arranged to apply the transformation to a high quality version before printing **(Yokomizo, pg. 5, lines 15-17).**

Yokomizo does not specifically disclose updating an account record in a memory of the server according to copyright royalty information associated with one or more of the images.

Oki, however, discloses updating an account record in a memory according to information associated with one or more of the images (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to the image faster. This increases user satisfaction.

In regard to claim 11, Yokomizo discloses a client computer programmed for editing a photo album (**Yokomizo, pg. 17, lines 29-30**), the client computer comprising:
a user command input device (**Yokomizo, Fig. 7, item 70 and/or item 71**),
a processor (**Yokomizo, pg. 5, lines 10-11, all computers have a processor**),
a display screen (**Yokomizo, Fig. 7, item 70 and/or item 71, see also pg. 14, lines 45-46, display 30-5**) and a connection (**Yokomizo, pg. 4, lines 47-48, World Wide Web, the PC is connected to World Wide Web, so it must have a connection**)

for connecting to a server system (**Yokomizo, Fig. 1, the sever system is everything above items 7 and 10 in Fig. 1**), and wherein the client computer is programmed to:

receive low quality digital representations of photographs from a remote server system in association with respective identifiers of the photographs (**Yokomizo, pg. 5, lines 8-11, respective identifiers are inherent and can include, for example, the name of the file attached to the image, see also pg. 6, lines 25-30 for identifier disclosure**);

receive editing commands from the user command input device, to select selected photographs for display on pages of a photo album (**Yokomizo, Fig. 1, the edit commands would be received from the user at items 70 and/or 71 in Fig. 1**);

display the edited pages (**Yokomizo, pg. 5, lines 10-11, and pg. 9, line 55 – pg. 10, line 4, the edited pages would be displayed in Fig. 7, item 70 and/or item 71, see also pg. 14, lines 45-46, display 30-5**);

send an editing result of said editing from the client computer to the server system, including identifiers of the selected photographs (**Yokomizo, pg. 5, lines 12-17, editing results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system**).

Yokomizo does not specifically disclose request printing of one or more pages, causing the sever system to update an account record in a memory of the server according to copyright royalty information associated with the identifiers.

Oki, however, discloses requesting printing of one or more pages, causing the sever system to update an account record in a memory according to information associated with the identifiers (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints).**

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4).**

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claim 15, Yokomizo discloses a server system for printing photo albums (**Yokomizo, pg. 5, lines 16-17, the sever system is everything above items 7 and 10 in Fig. 1),** the server system comprising:

a connection for connecting to one or more remote client computers (**Yokomizo, pg. 4, lines 47-48, World Wide Web, the server system is connected to a user's home PC via the World Wide Web, so it must have a connection),**

a processor (**Yokomizo, pg. 17, lines 15-29),**

a storage apparatus (**Yokomizo, Fig. 1, item 3**) storing low and high quality representations of respective photographs (**Yokomizo, pg. 4, line 58 – pg. 5, line 5**),

wherein the storage apparatus is divided to provide open access to a portion of its contents and to provide user-specific access to another portion of its contents (**Yokomizo, pg. 7, lines 55-57, opening access codes are for other persons and non-opening access codes are for exclusive use by the user**),

wherein the server system is programmed to:

send the low quality digital representations to a client computer remote from the server system in association with respective identifiers of the photographs (**Yokomizo, pg. 5, lines 8-11, respective identifiers are inherent and can include, for example, the name of the file attached to the image, see also pg. 6, lines 25-30 for identifier disclosure**);

receive an editing result representing pages of a photo album, including identifiers of selected ones of the photographs (**Yokomizo, pg. 5, lines 12-17, editing results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system**);

retrieve the stored high quality digital representation of the selected photographs identified by the identifiers in the editing result (**Yokomizo, pg. 5, lines 15-17, since the high resolution images are edited at the server system, they have to be retrieved from storage in the server system the identifiers would need to be used**

to retrieve the high quality image, see also pg. 6, lines 25-30 for identifier disclosure); and

print the pages of the photo album in the server system using the retrieved high quality digital representations (**Yokomizo, pg. 5, lines 16-17**).

Yokomizo does not specifically disclose to updating an account record in a memory of the server according to copyright royalty information associated with the identifiers.

Oki, however, discloses updating an account record in a memory according to information associated with the identifiers (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claim 19, Yokomizo discloses a computer program product stored on a computer-readable storage medium comprising instructions for programming a PC (Yokomizo, pg. 17, lines 25-29), including a user command input device (Yokomizo, Fig. 7, item 70 and/or item 71), a processor (Yokomizo, pg. 5, lines 10-11, all computers have a processor), a display screen (Yokomizo, Fig. 7, item 70 and/or item 71, see also pg. 14, lines 45-46, display 30-5) and a connection for connecting to a server system (Yokomizo, pg. 4, lines 47-48, World Wide Web, the PC is connected to World Wide Web, which is connected to a server system, so the PC must have a connection, the sever system is everything above items 7 and 10 in Fig. 1) to operate as a client computer (Yokomizo, pg. 5, line 11, personal computer of user is client computer), the instructions including instructions for facilitating performing the steps of:

receiving low quality digital representations of photographs from a remote server system in association with respective identifiers of the photographs (Yokomizo, pg. 5, lines 8-11, respective identifiers are inherent and can include, for example, the name of the file attached to the image, the server system is everything above items 7 and 10 in Fig. 1, see also pg. 6, lines 25-30 for identifier disclosure);

receiving editing commands from the user command input device, to select selected photographs for display on pages of a photo album (Yokomizo, Fig. 1, the edit commands would be received from the user at items 70 and/or 71 in Fig. 1);

displaying the edited pages (**Yokomizo, pg. 5, lines 10-11, and pg. 9, line 55 – pg. 10, line 4, the edited pages would be displayed in Fig. 7, item 70 and/or item 71, see also pg. 14, lines 45-46, display 30-5**); and

sending an editing result of said editing from the client computer to the server system, including identifiers of the selected photographs (**Yokomizo, pg. 5, lines 12-17, editing results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system, see also pg. 6, lines 25-30 for identifier disclosure**).

Yokomizo does not specifically disclose causing the server to print one or more of the edited pages and updating an account record in a memory of the server according to copyright royalty information associated with the identifiers.

Oki, however, discloses causing the server to print one or more of the edited pages and updating an account record in a memory according to information associated with the identifiers (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claim 20, Yokomizo discloses a computer program product stored on a computer-readable storage medium comprising instructions for programming a computer (Yokomizo, pg. 17, lines 25-29), including a connection for connecting to one or more remote client computers (Yokomizo, pg. 4, lines 47-48, **World Wide Web, the server system is connected to a user's home PC via the World Wide Web, so it must have a connection**), a processor (Yokomizo, pg. 17, lines 15-29), a storage apparatus (Yokomizo, Fig. 1, item 3) storing low and high quality representations of respective photographs (Yokomizo, pg. 4, line 58 – pg. 5, line 5, **the sever system is everything above items 7 and 10 in Fig. 1**), to operate as a server computer, the instructions including instructions for facilitating performing the steps of:

sending the low quality digital representations to a client computer remote from the server system in association with respective identifiers of the photographs (Yokomizo, pg. 5, lines 8-11, **respective identifiers are inherent and can include, for example, the name of the file attached to the image, see also pg. 6, lines 25-30 for identifier disclosure**);

receiving an editing result representing pages of a photo album, including identifiers of selected ones of the photographs (Yokomizo, pg. 5, lines 12-17, **editing**

results is editorial commands or instructions, identifiers are inherent since the editorial commands are used to edit the high resolution image stored in the server system, see also pg. 6, lines 25-30 for identifier disclosure);

retrieving the stored high quality digital representation of the selected photographs identified by the identifiers in the editing result (**Yokomizo, pg. 5, lines 15-17, since the high resolution images are edited at the server system, they have to be retrieved from storage in the server system the identifiers would need to be used to retrieve the high quality image**); and

printing the pages of the photo album in the server system using the retrieved high quality digital representations (**Yokomizo, pg. 5, lines 16-17**).

Yokomizo does not specifically disclose updating an account record in a memory of the server according to copyright royalty information associated with the identifiers.

Oki, however, discloses updating an account record in a memory according to information associated with the identifiers (**Oki, [0017], [0031], [0056], [0067]-[0068], and [0070], updated the number of permitted prints**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Oki with the teachings of Yokomizo in order to protect intellectual property rights.

Oki does not disclose that this information is copyright royalty information.

Nakayama, however, discloses updating copyright information in memory (**Nakayama, col. 22, lines 1-4**).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Nakayama with the teachings of Oki and Yokomizo so that a user could purchase and have access to copyright protected images faster. This increases user satisfaction.

In regard to claims 2 and 16, which depend from claims 1 and 15, respectively, Yokomizo further discloses receiving selection commands for selection positions where the selected photographs must be printed on a page of the photo album (**Yokomizo, pg. 5, lines 10-11, the editing would be received at user's computer, see also pg. 8, lines 13-14, pg. 15, lines 3-12, and Fig. 5, item 32-2 for where the selected photographs must be printed on a page of the photo album**);

sending information indicative of the selected positions from the client computer to the server system (**Yokomizo, pg. 5, lines 12-14**); and

wherein said printing including positioning the selected photographs according to said information (**Yokomizo, pg. 5, lines 15-17, see also pg. 8, lines 13-14, pg. 15, lines 3-12, and Fig. 5, item 32-2 for selection of location of photograph in album**).

In regard to claims 3, 9, and 12, which depend from claims 2, 8, and 11, respectively, Yokomizo further discloses providing a plurality of available album page templates, each of the templates defining a plurality of locations for photographs at predefined positions for a page of the photo album (**Yokomizo, pg. 5, lines 15-17, see also pg. 8, lines 13-14, pg. 15, lines 3-12, and Fig. 5, item 32-2 for selection of**

location of photograph in album, "image slots" are templates. Fig. 5, item 32-2 shows a plurality of images on a page);

receiving a selection of a particular template from the user (Yokomizo, pg. 5, lines 10-11, editing done by user received at users computer is the receiving, see also pg. 8, lines 13-14, pg. 15, lines 3-12, and Fig. 5, item 32-2 for selection of location of photograph in album, "image slots" are templates. Fig. 5, item 32-2 shows a plurality of images on a page); and

receiving commands from the user to select the positions of the selected photographs by associating the selected photographs with respective ones of positions from the particular template (Yokomizo, pg. 5, lines 12-14, server system receives editing commands from user, see also pg. 8, lines 13-14, pg. 15, lines 3-12, and Fig. 5, item 32-2 for selection of location of photograph in album, "image slots" are templates. Fig. 5, item 32-2 shows a plurality of images on a page).

In further regard to claim 12, the information identifying the selected templates or the position in the template to the server is disclosed at, for example, Yokomizo, pg. 5, lines 12-17 (editorial commands are sent to the server).

In regard to claim 7, which depends from claim 1, Yokomizo further discloses receiving text data in combination with a position specification at the client computer (Yokomizo, pg. 14, lines 46-49, and pg. 15, lines 9-10);

sending the text data to the server computer (Yokomizo, pg. 14, lines 53-57, and pg. 15, lines 9-10); and

printing text controlled by the text data on a page of the photo album at a position controlled by the position specification (**Yokomizo, pg. 14, lines 53-57, pg. 14, line 58 – pg. 15, line 2, and pg. 15, lines 9-10**).

In regard to claim 14, which depends from claim 11, Yokomizo further discloses receiving a user selection of a transformation to be applied to a photograph (**Yokomizo, pg. 8, lines 15-16**); displaying a transformation result of the low quality version at said client computer (**Yokomizo, pg. 14, lines 44-46**); and transmitting information indicative of the selected transformation to the server system (**Yokomizo, pg. 14, lines 53-57**).

In regard to claim 18, which depends from claim 15, Yokomizo further discloses receiving information indicative of a selected transformation from the client computer (**Yokomizo, pg. 5, lines 12-14, and pg. 8, lines 15-16, the editorial information is sent to a server system from the client computer, and therefore received from the client computer**); and

adapt or select the high quality version according to the selected transformation before printing (**Yokomizo, pg. 5, lines 15-17**).

In regard to claims 4 and 13, which depend from claims 3 and 12, respectively, neither Yokomizo, Oki, nor Nakayama specifically disclose wherein the information indicative of the selected positions includes an identification of the particular template,

and wherein the server system stores information about the available templates and retrieves the position information for printing from the stored information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yokomizo so that the information indicative of the selected positions includes an identification of the particular template, and wherein the server system stores information about the available templates and retrieves the position information for printing from the stored information. In this way, the information indicative of the selected positions includes an identification of the particular template could be include in the command code sent from the client computer to the server system in Yokomizo. See Yokomizo, pg. 5, lines 12-14. The motivation to modify Yokomizo in such a way is to reduce bandwidth usage, and therefore reduce cost. Further motivation would be to increase the speed of transmission of information. For example, a user would only have to send a flag in the command code, wherein the flag could be associated with the particular template at the server system. These motivations are in line with what Yokomizo is trying to compensate for. See Yokomizo, pg. 2, lines 25-30, and lines 37-39.

In regard to claim 5, which depends from claim 4, Yokomizo, as modified, discloses claims 4 above. Moreover, Yokomizo discloses receiving a user selection of a transformation to be applied to a photograph (**Yokomizo, pg. 8, lines 15-16**);

displaying a transformation result of the low quality version at said client computer (**Yokomizo, pg. 14, lines 44-46**);

transmitting information indicative of the selected transformation to the server system (**Yokomizo, pg. 14, lines 53-57**); and

adapting the high quality version according to the selected transformation before printing (**Yokomizo, pg. 14, line 58 – pg. 15, line 2**).

In regard to claim 17, which depends from claim 16, neither Yokomizo, Oki, nor Nakayama specifically disclose the server system storing a plurality of page templates with each position information of a plurality of photo positions on a page, the server system being programmed to:

receive information indicative of a selected template from the client computer;
retrieve the position information from the selected template; and
print the selected photographs at positions controlled by the retrieved position information from the selected template.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yokomizo so that the server system storing a plurality of page templates with each position information of a plurality of photo positions on a page, the server system being programmed to: receive information indicative of a selected template from the client computer; retrieve the position information from the selected template; and print the selected photographs at positions controlled by the retrieved position information from the selected template.

In this way, the information indicative of a selected template received from the client computer could be include in the command code sent from the client computer to

the server system in Yokomizo. *See* Yokomizo, pg. 5, lines 12-14. The server system therefore could retrieve the position information from the selected template; and print the selected photographs at positions controlled by the retrieved position information from the selected template.

The motivation to modify Yokomizo in such a way is to reduce bandwidth usage, and therefore reduce cost. Further motivation would be to increase the speed of transmission of information. For example, a user would only have to send a flag in the command code, wherein the flag could be associated with the particular template at the server system. These motivations are in line with what Yokomizo is trying to compensate for. *See* Yokomizo, pg. 2, lines 25-30, and lines 37-39.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo, Oki, and Nakayama in view of Official Notice.

In regard to claim 6, which depends from claim 5, neither Yokomizo, Oki, nor Nakayama specifically discloses wherein the client computer provides for selection of the transformation from at least one of: selection of a window in a photograph for selectively placing only the part of the photograph that is in the window in the photo album, rotation, geometric distortion, adaptation of brightness, adaptation of contrast, adaptation of color saturation and adaptation of gamma.

Yokomizo, however, discloses that various editorial processing can be included in the system disclosed in Yokomizo. *See* Yokomizo, pg. 8, lines 14-16.

The Examiner, therefore, takes Official Notice that presenting for editing selection, at least one of selection of a window in a photograph for selectively placing only the part of the photograph that is in the window in the photo album, rotation, geometric distortion, adaptation of brightness, adaptation of contrast, adaptation of color saturation and adaptation of gamma is well known and expected in the art, and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yokomizo to provide these options for the image editing disclosed in Yokomizo.

One of ordinary skill in the art would have been motivated to modify Yokomizo in such a way so as to provide a user of the system disclosed in Yokomizo with a plurality of common image editing options.

Response to Arguments

7. Applicants' arguments have been considered carefully but are either not persuasive or are considered moot in view of new grounds of rejection.

In regard to Applicants' arguments of the rejections of claims 1-20, Applicants first argue that Yokomizo does not disclose "updating an account record in a memory of the server according to copyright royalty information associated with the identifiers in response to the printing command," as required by all of the independent claims. Amendment, pg. 11.

This argument is considered moot in view of new grounds of rejection as detailed above.

Applicants then argue that Yokomizo does not disclose "that the server system is [] divided to provide 'open access to a portion of its contents and to provide user-specific access to another portion of its contents,'" as required by independent claims 1, 8, and 15. *Id.*

The examiner has considered this argument carefully but respectfully disagrees with Applicants' interpretation of Yokomizo.

Yokomizo clearly discloses, as required by independent claims 1, 8, and 15, that the server system is divided to provide open access to a portion of its contents and to provide user-specific access to another portion of its contents. This is disclosed in Yokomizo, pg. 7, lines 55-57. The opening access codes are for other persons and the non-opening access codes are for exclusive use by the user. The Examiner reads this as the server system being divided to provide open access to a portion of its contents and to provide user-specific access to another portion of its contents.

Conclusion

8. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-

3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4380.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

04/19/2010

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 2625